Petitioners

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 91-212-X 5PH

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a two apartment dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Harry and Nancy Belsinger, appeared, testified and were represented by Ralph K. Rothwell, Jr., Esquire. Also appearing on behalf of the Petition were Margaret Gray, Lilly Hoxter, and Robert J. Dulesse. Appearing as Protestants in the matter were Gary Grabowski, President of the Westbrook Community Association, James A. Cohill, III, and Patricia Blasco, all residents of the area.

Testimony indicated that the subject property, known as 405 Overbrook Road, consists of 2,087 sq.ft. zoned D.R. 10.5 and is improved with a townhouse dwelling containing two apartments. As a result of a complaint filed with the Zoning Enforcement Division of this Office, Petitioners were advised to file the instant Petition to establish the nonconforming use of the subject dwelling as two apartments. Mr. Belsinger testified that the property has been in his family since its development around 1939 or 1940. Mr. Belsinger testified that he distinctly remembers when his Fugenia Dawes, owned the property in the 1950s. He was 8 years of namily several times during the year.

his aunt occupied the first floor and

what extent does the current use of

the nature and purpose of the origi-

(b) Is the current use merely a different man-

(c) Does the current use have a substantially

(d) Is the current use a "drastic enlargement

The undisputed testimony indicated that until 1955 the subject

ner of utilizing the original non-conforming use or does it constitute a use different in character, na-

or extension" of the original non-conforming use."

property was zoned an "A Residence" which permitted a two family dwelling.

Testimony indicated the property was rented continuously and without inter-

ruption through 1982 when Ms. Hahn and her sister became joint occupants.

The Protestants questioned whether the occupancy by Mildred Belsinger is

sufficient to establish the continued nonconforming use of the dwelling as

two apartments. The Maryland courts have never required a tenant to be

present on the property 365 days a year to be considered a nonconforming

use. In my opinion, to do so would be taking Section 104 of the B.C.Z.R.

to an illogical conclusion, contrary to the spirit and intent of the regu-

lations. Based upon the testimony and evidence presented, it is the opin-

ion of the Deputy Zoning Commissioner that the Petitioners have demonstrat-

id the use of the subject property as a two-apartment dwelling has been

and without interruption and as such, have established the

corring use. The testimony presented showed the property owners'

frenches to continue to use the dwelling as a two-apartment dwelling by

. Prospancy of the two apartments by Ms. Hahn and Ms. Belsinger from

ing use;

different effect upon the neighborhood;

McKemy v. Baltimore County, Md., Supra.

ture, and kind;

peg in it the death of Ms. Hahn.

basement levels as depicted on Page 2 of Petitioner's Exhibit 1 and rented out the second floor. Testimony indicated that at the entrance to the dwelling, there is a foyer with a door leading to the first floor apartment, and a stairway to the second floor with a separate entrance to the second floor apartment. Mr. Belsinger testified that when Ms. Dawes died $_{
m in}$ $_{
m 1969}$, her son rented out the property as two apartments from 1969 to 1974 when the property was sold to Dorothy Hahn, another aunt of Petitioner. The property was titled such that Ms. Hahn had a life estate with full powers and the remainder interest was held by him and his mother, Mildred E. Belsinger. Mr. Belsinger testified that at that time, Ms. Hahn lived on the second floor and rented out the first floor. He indicated that the original tenant was a George Hubbard who resided there until he passed away in approximately 1982. Testimony indicated that thereafter, Mildred E. Belsinger, who owned a two-family residence near Eastpoint Shopping Center, and her sister, Ms. Hahn, then decided that rather than selling one of their respective homes and moving in together, they would spend time at both residences. Mr. Belsinger testified he would drive his mother to the subject property at various times throughout the year when she would stay for varying lengths of time. His mother occupied the first

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of February, 1991 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed the relief granted herein shall be rescinded and Petitioner would be required to file a new Petition for Special Hearing.

> > a M Nohome ANN M. NASTAROWICZ Deputy Zoning Commissioner

AMN:bjs

for Baltimore County

floor apartment while Ms. Hahn lived upstairs. He indicated that sometimes both would stay at his mother's house.

Mr. Belsinger testified that Ms. Hahn passed away in November, 1989, at which time Petitioners remodeled the subject property and hired numerous contractors, including, but not limited to, Robert Dulesse, a plumber. Mr. Dulesse testified that he visited the subject property between January and May 1990 during which time there were no tenants as improvements were being made. He indicated that he distinctly remembers

the dwelling being set up as a two-apartment dwelling with a separate kitchen and bathroom on both the first and second floors. Mr. Belsinger testified that since May, 1990, the Petitioners have rented out the the first floor and basement level, and second floor, as two separate apart-

Petitioners also called Margaret Gray, who testified that she resided in the first floor apartment in the early 1970s and that the second floor was rented out to a Mrs. Sharp. Mrs. Gray further testified that she moved out because the property was being sold by Robert Dawes (son of Eugenia Dawes). Petitioners also called Lilly Hoxter who is the sister of Nancy Belsinger. Ms. Hoxter testified that from approximately 1987 to 1989 she would occasionally clean the two apartments at the request of Mrs. Hahn. She testified that during that time, the dwelling was used and occupied as two separate apartments. Ms. Hoxter testified that while she did not see Ms. Hahn at any time in the downstairs apartment, there was evidence that the apartment was used and occupied.

Gary Grabowski, President of the Westbrook Community Association, testified that he has resided at 434 Overbrook Road for approximately 18 months. He testified that while he has no personal knowledge as to the occupancy of the subject dwelling, the Westbrook Community Association is opposed to the relief requested.

James Cohill, who resides at 408 Ovebrook Road, testified that he has been a resident of the area since 1977. He indicated that for a period of time from 1982 to 1984, he was a block watcher and had an opportunity to speak with Ms. Hahn on two occasions. Mr. Cohill testified that he was not aware at the time if the subject property was being used as a two apartment dwelling.

- 3-

not the subject property was used as a two apartment dwelling. There were exhibits offered by both parties, over objection, marked Protestant's Exhibits 1A and 1B, and Petitioner's Exhibits 6A, 6B and 6C. As explained at the hearing, due to the objections and the inabil-

ity to cross examine the witnesses, the exhibits would not be considered

resident of the area for the past 39 years. She testified that she knew

Dorothy Hahn and had no knowledge one way or the other as to whether or

Parricia Blasco, of 435 Overbrook Road, testified she has been a

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

in rendering a decision in this matter.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning R Commissioner should consider the following factors:

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve The use of premises at 405 Overbrook Road, Baltimore County, Maryland as a non-conforming use for a two apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	
(Time on Delet Mone)	Harry Edward Belsinger/Nanc (Type or Print Name) .	y Belsinger
(Type or Print Name)	**	1 Boller
Signature	Harry Edward Bolowy /	will recool
	Mildred Eileen Belsinger	l
Address	(Type or Print Name)	
	millred & ils	a Belsi
City and State	Signature	
Attorney for Petitioner:		
Ralph K. Rothwell, Jr. Esquire	-1932 Snyder Avenue	SWZE
(Type or Print Name)	Address	Phone No.
16/1/10/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/	Dundalk, Maryland 21222	<u> </u>
Signature	City and State	{
7508 Eastern Avenue	Name, address and phone number of 1	egal owner con
Address	tract purchaser or representative to	
Baltimore, Maryland 21224	Ralph K. Rothwell, Jr.	
City and State	Name	
Attorney's Telephone No.: (301) 282-2700	7508 Eastern Ave. 21224 (<u></u>
· •	Address	Phone No.

Mov., 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

ANY TIME OR DAY - BUR MERRING-TIME Zoning Commissioner of Baltimore County

Z.C.O.—No. 1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Ralph K. Rothwell, Jr., Esquire 7508 Eastern Avenue Baltimore, Maryland 21224

RE: PETITION FOR SPECIAL HEARING NE/S Overbrook Road, 150' W of Edmondson Avenue (405 Overbrook Road) 1st Election District - 1st Councilmanic District Harry E. Belsinger, et al - Petitioners Case No. 91-212-SPH

Dear Mr. Rothwell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Very truly yours,

887-3353

AMN:bjs

cc: Mr. Gary Grabowski, President Westbrook Community Association 434 Overbrook Road, Baltimore, Md. 21228

Mr. James A. Cohill, III 408 Overbrook Road, Baltimore, Md. 21228 Ms. Patricia Blasco

435 Overbrook Road, Baltimore, Md. 21228

People's Counsel

BEGINNING for the same on the Northeast side of Overbrook Road where said side of said road is intersected by the dividing line between Lots Nos. 3 and 4 on the plat of Westbrook, which plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No.12, folio 36 and 37 and running thence binding on the Northeast side of Overbrook Road Northwesterly by a line curving toward the North with a radius of Two hundred seventy (270) feet and one (1) inch, the distance of Twenty-five (25) feet eight (8) inches to the West corner of Lot No. 4 on said plat; thence binding on the dividing line between Lots No.s 4 and 5 on said plat Northeasterly to and along the center of the partition wall between the house erected on the lot now being described and the house erected on the nouse erected on the for now being described and the nouse erected on the lot next adjoining to the Northwest to the end thereof and continuing in all for next adjoining to the Morthwest to the end thereof and continuing in all one hundred four (104) feet to the Southwest side of the lane Fourteen (14) feet three (3) inches wide as shown on said plat; thence Southeasterly binding on the Southwest side of said lane with the use of said lane and other lanes communicating therewith in common with others Seventeen (17) feet eleven and one-half (11-1/2) inches to the dividing line between lots Nos. 3 and 4 on said plat; thence binding on said dividing line Southwesterly at right angles with the above mentioned lane Forty-one (41) Southwesterry at right angles with the above mentioned rane forty-one (41) feet ten and one-half (10-1/2) inches to a bend in said dividing line and to the center of the partition wall between the house erected on the lot now being described and the house erected on the lot next adjoining to the Southeast at the Northeast end of said wall and thence still binding on said last mentioned dividing line and along the center of said last mentioned partition wall Southwesterly to the end thereof and continuing in all Sixtyone (61) feet four and three-quarter (4-3/4) inches to the place of beginning; being known and designated as Lot No. 4 on said plat of Westbrook. The improvements thereon being known as Number 405 Overbrook

.37915 48346

BEING the same lot of ground and premises which by Deed dated August 12, 1974, and recorded among the Land Records of Baltimore County, was granted and conveyed by Dorothy B. Hahn unto Florence W. Overbeck.

BEING the same lot of ground and premises in which Florence W. Overbeck, by Deed dated August 12, 1974, and recorded among the Land Records of Baltimore County in Liber 5469, page 6701, did grant and convey a life estate (with full powers of disposition) unto Dorothy B. Hahn, and a remainder interest unto Mildred Eileen Belsinger and Harry Edward Belsinger, her son, jointly; said Dorothy B. Hahn, Mildred Eileen Belsinger and Harry Edward Belsinger being the within Grantors.

01212511

Special Hearing: The use of premises at 405 Overbrook Road

887-3353

re County Government mg Commissioner · Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Harry Edward Belsinger, et al 1932 Snyder Avenue Dundalk, Maryland 21222

Case Number: 91-212-SPH NE/S Overbrook Road, 150' W of Edmondson Avenue 405 Overbrook Road 1st Election District - 1st Councilmanic Petitioner(s): Harry Edward Belsinger, et al HEARING: THURSDAY, JANUARY 31, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$_____ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Ralph K. Rothwell, Jr., Esq.

CERTIFICATE OF POSTING

Posted for: Spread Henry Petitioner: Harry Edward Belswar et al

Location of property: NE/S of Overbroth Ford, 150' Wof

Cimonson arenes, 405 Overbrook, Road Location of Signs: Un front of 405 Onestrock Road

Date of return: / - //- 9/

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of _______successive weeks, the first

887-3353

91-212-SPH

\$ 54.00

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of

Baltimore County will hold a public hearing on the property identified herein in Room 106 of the

County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Special Hearing: The use of premises at 405 Overbrook Road as a non-conforming use for a two

111 West Chesapeake Avenue

Towson, MD 21204

December 11, 1990

Case Number: 91-212-SPH

405 Overbrook Road

apartment dwelling.

Zoning Commissioner of

cc: Harry Edward Belsinger, et al

Ralph K. Rothwell, Jr., Esq.

Baltimore County

NE/S Overbrook Road, 150' W of Edmondson Avenue

Ist Election District - 1st Councilmanic

Petitioner(s): Harry Edward Belsinger, et al

HEARING: THURSDAY, JANUARY 31, 1991 at 2:00 p.m.

J. Robert Springs

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Bathmore County by authority of the Zoning Act and Regulations of Bathmore County will hold a property of Baltimore County
public hearing on the property
identified herein in Room 106 of
the County Office Building, located at 111 W Chesapeake Avenue in Towson, Maryland 21204 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 12-37, 1990. 1st Councilmanc Patitioner(s): Harry Edward Belsinger, et al Hering Date: Thursday, Jan. 31, 1991 at 2:00 p.m.

THE JEFFERSONIAN,

5. Zete Orlina

2 Bills sent 1/22/91 in the amount of

Special Hearing: The use of premises at 405 Overbrook Road as a non-conforming use for a two apartment dwelling.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
CAT/J/12/297 Dec. 27.

\$ 54.00

Zoning Commisioner

PRICE

\$35.00

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

10/23/90 PUBLIC HEARING FEES

Baltimore County

030 -SPECIAL HEARING (IRL) TOTAL: \$35.00

LAST NAME OF OWNER: BELSINGER

04A04#Q062MICHRC BA C010:45AH10-25-90 Please make checks payable to: Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue

Towson, MD 21204

887-3353

January 24, 1991

Ralph K. Rothwell, Jr., Esquire 7508 Eastern Avenue Baltimore, MD 21224

> RE: Item No. 175, Case No. 91-212-SPH Petitioner: Harry E. Belsinger, et ux Petition for Special Hearing

Dear Mr. Rothwell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, famore, G JAMES E. DYER Zoning Plans Advisory Committee

JED:jw Enclosures

> cc: Mr. & Mrs. Harry E. Belsinger 1932 Snyder Avenue Dundalk, MD 21222

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

PUBLIC HEARING FEES

BO -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: BELSINGER

TOTAL: \$75.00

Please Make Checks Payable To: Baltimore County 01:19PM01-31-91

Your petition has been received and accepted for filing this 14th day of November, 1990.

ZONING COMMISSIONER

Zoning Plans Advisory Committee

Petitioner: Harry E. Belsinger, et ux Petitioner's Attorney: Ralph K. Rothwell

887-3353

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: December 3, 1990

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166 Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203

In reference to the Petitioners' requests, staff offers no comments.

Thomas D. and Jeannette Considine, Item No. 209

Robert E. and Karen F. Ege, Item No. 207

Javad Darbandi, Item No. 208

Helen M. Yingling, Item No. 214

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK Jl. omm

received

PALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 16, 1990 FROM: Robert W. Bowling, F.E.

Zoning Advisory Committee Meeting for November 13, 1999

The Developers Engineering Division has reviewed the subject coming items and we have no comments for Items 170, 172, 175, 176, 178, and 180.

ROBERT W. ROWLING, P.E., Chi Developers Engineering Division

RMB:s

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 28, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for item numbers, 170, 172, 175, 176, 178, and 180.

> Very truly yours, , Traffic Engineer Associate II

MSF/lab

received

Batim will entireFire Department 700 East Joppa Read. Suite 901 Towson, Maryland 21204-5500 1311 S. 4.46

 $(P_{AB},H_{C}Re^{-1})_{BB}$

NOVEMBER 2, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



HARRY EDWARD, NANCY, AND RE: Property Owner: MILDRED BELSINGER

Location: #405 OVERBROOK ROAD

Item No.: 175 Zoning Agenda: NOVEMBER 13, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Capt Joseph Kolly 11 5 90 Approved Planning Group Fire Prevention Bureau Special Inspection Division

JK/KEK



BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

NOVEMBER 5, 1990

received

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J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 175

PROPERTY OWNER: Harry Edward Belsinger & Nancy Belsinger & Mildred Eileen Belsinger LOCATION: NE/S Overbrook Road, 150' W of Edmondson Ave. (#405 Overbrook Road) ELECTION DISTRICT: 1st COUNCILMANIC DISTRICT:1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

() PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

() PARKING LOCATION () NUMBER PARKING SPACES

() RAMPS (degree slope) () CURB CUTS

() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

(X) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. Existing Use R-3, Proposed Use R-Z

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(火) OTHER -MAINTAIN THE EXISTING FIRE WALL SEPARATION ON THE PROPERTY LINE BETWEEN THE TWO PARCELS OF LAND.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE. TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer Zoning Supervisor James Thompson FROM___Zoning Enforcement Coordinator

Item No.: /75 (if known)

SUBJECT Petitioner: /3e/singer (if known) 91.212-SPA

VIOLATION CASE #_____9/-428 405 Overbrook Rd LOCATION OF VIOLATION DEFENDANT Horry Belsinger ADDRESS 1932 Snydow Ave 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Westbrusk C.A

P.O. 21095 Balto MD 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET		
MARRY BELSIAGER MARGARET GRAY Maney Belsinger. Kill Hollie	ADDRESS 1932 SNUDER AVE 21222 112 MACE AUE. 21121 1932 Snyder aue. 21222 714 Shellind Courb 1818 Wash are 21222	

PROTESTANT (S) SIGN-IN SHEET

Goly Grabowski TAMES A. Cottill IE Patrician Blased	ADDRESS
Gary Grabowski	434 Overbrook Rd Battomore Modila
JAMES A. COHILL TE	408 OULOBROW RO BULL MS 212
Petrici Bu	408 OVERBROOK Pel Bollo. Md 212 435 Overbrook Pel-Md-2122
- MORICIAN & RASED	100 Ownown Md-Md- 21da
	
	
	

ENOTESTANT'S Javland BIT 1 A

I fore been a resident of 4:33 Overhook Rds since 1940 I knew the Howes at 405 Overbrook Relwh lived there from 1940-60 appears they did not have an appearant rested. There home was used as a single family residence I knew Mrs Hahn very well She lived there until her death which occured in 1929 Since I have visited per she had a single famely home There has never been an apartment at 405 Operbrook Rd The whole ishn lived There This & more That

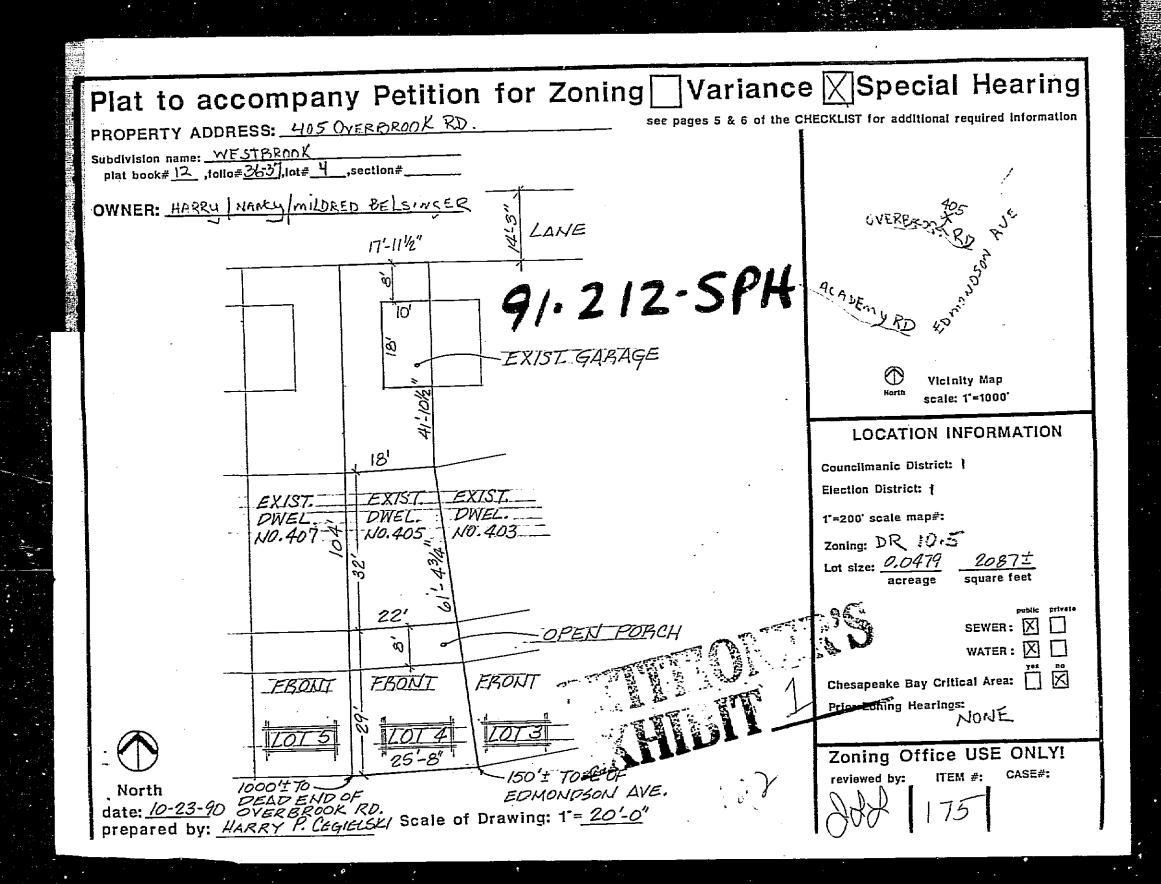
men expus 12-1-92

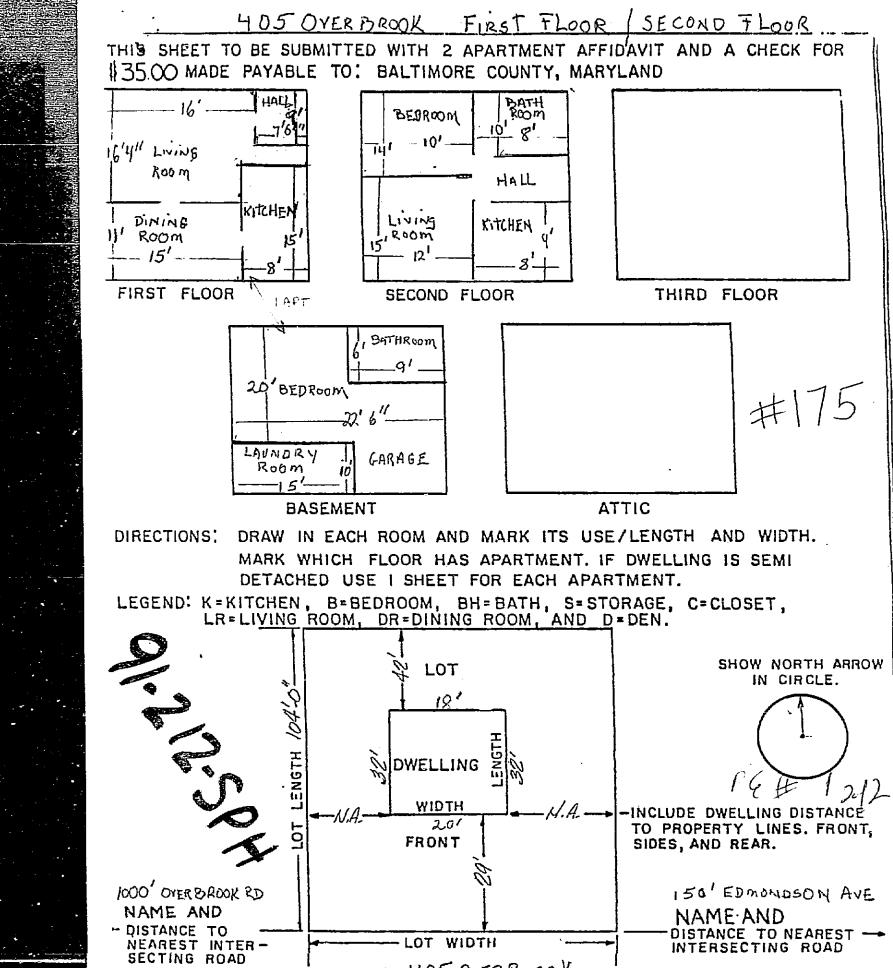
ne from attending the hearing for the property of 405 Overlerock Rd. I moved into my home at 411 Averbrook Road on October of 1958. Mre Dawer war the owner of 405. at her doelth, her sixter, min Dorethy Helin became the new owner. Dorothy Halin lined there well over the last ten years before she died and in all that time she never rented the 2nd. floor out as an apartment. In fact, she had her

bedroom on the I'm flow, making it

iniposible the rent the sul floor out as an apartment!

ny commission depus 12-1-92





Community Association Enferce Zoning Law.

This document's purpose is to allow you, the resident of Westbrook Community, to show your strong opposition to any motion which would allow the residence of 405 Overbrook Road, Baltimore, MD 21228 to operate as a two apartment dwelling. Please sign this document so that we can show the members at the hearing how strongly we oppose zoning violations and moves which would alter the zoning of properties in our community operate as two appartment dwellings.

I, the undersigned, strongly oppose any motion which would allow the residence of 405 Overbrook Road, Baltimore, Maryland 21228, to operate as a two appartment dwelling.

4 - Careng El 1-24.71

I, Gary Grabowski, herein state that the signatures and information appearing on the Westbrook Community Association Statement of Testimony are true signatures.

My Commission Expires: December 1, 1992

* * * * * CORRECTION NOTICE* * * * ELECTION DISTRICT: 1st THER C-91-428

LOCATION: 405 OVERBROOK ROAD

DEAR MILDRED EILEEN & HARRY EDWARD BELSINGER, ET AL:

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED

LOCATION REVEALED THAT THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF THIS NOTICE EITHER "RECONVERT TO A SINGLE FAMILY DWELLING OR HAVE AN APPOINTMENT TO REVIEW YOUR PETITION FOR A NON-CONFORMING USE. YOU MUST PROVE IN A PUBLIC HEARING THAT THIS HAS BEEN A TWO APARTMENT USE PRIOR TO MARCH, 1955. ALL PAPER WORK IS HANDLED BY THE OFFICE OF DEVELOPMENT CONTROL, RCOM 113 OF THE COUNTY OFFICE BUILDING, 887-3391, 8:30 a.m. - 4:30 p.m.

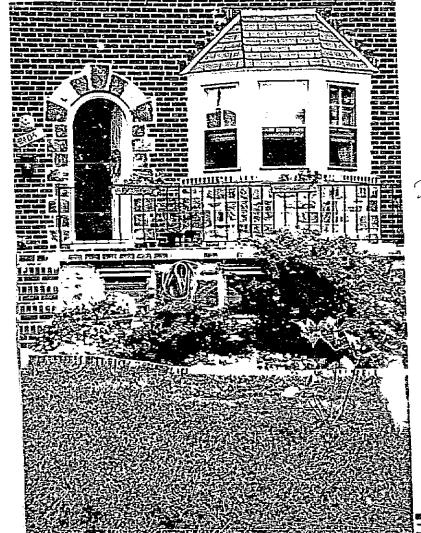
IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CONTACT THIS OFFICE AT 887-8094. FAILURE TO COMPLY BY OCTOBER 6, 1990. WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

INSPECTOR: DEREK PROPALIS

CASE#: 91-212-51H

ADDRESS: 405 OVER BROOK

NAME OF STREET FRONTING PROPERTY Havy & Belanian





SHOW NORTH ARROW

IN CIRCLE.

PETITIONER'S

THIS DEED made this 25 may from the Da be and between DOROTHY B.

HAHN, MILDRED EILEEN BELSINGER and HARRY EDWARD BELSINGER, of the first part, Grantors, and DOROTHY B. HAHN, MILDRED EILEEN BELSINGER, HARRY EDWARD BELSINGER and NANCY BELSINGER, his wife, of the second part, Grantees.

WITNESSETH, that for no consideration other than the Grantors' love and affection, the said DOROTHY B. HAHN, MILDRED EILEEN BELSINGER, and HARRY EDWARD BELSINGER, Grantors, do grant and convey unto DOROTHY B. HAHN, MILDRED EILEEN BELSINGER, HARRY EDWARD BELSINGER and NANCY BELSINGER,

as joint tenants, their assigns, the survivor of them and the

survivor's personal representatives and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the Northeast side of Overbrook Road where said side of said road is intersected by the dividing line between Lots Nos. 3 and 4 on the plat of Westbrook, which plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No.12, folio 36 and 37 and running thence binding on the Northeast side of Overbrook Road Northwesterly by a line curving toward the North with a radius of Two hundred seventy (270) feet and one (1) inch, the distance of Twenty-five (25) feet eight (8) inches to the West corner of Lot No. 4 on said plat; thence binding on the dividing line between Lots No.s 4 and 5 on said plat Northeasterly to and along the center of the partition wall between the house erected on the lot now being described and the house erected on the lot next adjoining to the Northwest to the end thereof and continuing in all One hundred four (104) feet to the Southwest side of the lane Fourteen (14) feet three (3) inches wide as shown on said plat; thence Southeasterly binding on the Southwest side of said lane with the use of said lane and other lanes communicating therewith in common with others Seventeen (17) feet eleven and one-half (11-1/2) inches to the dividing line between lots Nos. 3 and 4 on said plat; thence binding on said dividing line Southwesterly at right angles with the above mentioned lane Forty-one (41) feet ten and one-half (10-1/2) inches to a bend in said dividing line and to the center of the partition wall between the house erected on the lot now being described and the house erected on the lot next adjoining to the Southeast at the Northeast end of said wall and thence still binding on said last mentioned dividing line and along the center of said last mentioned partition wall Southwesterly to the end thereof and continuing in all Sixtyone (61) feet four and three-quarter (4-3/4) inches to the place of beginning; being known and designated as Lot No. 4 on said plat of Westbrook. The improvements thereon being known as Number 405 Overbrook

Data con Hali

AFFIDAVIT

The undersigned hereby affirms under the penalties perjury to the Zoning Commissioner of Hall thore County,

That the information herein given is within the reconal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto:

Joseph Croghan (MASTER Elecoficiti)

7600 North Point Road

I have personal knowledge that the home located at

405 Overbrook Road has been used as a (address)

apartment dwelling (two/three, etc)

previous to February 1990 I also have

personal knowledge that all apartments within the dwelling

have been utilized as such continuously and uninterrupedly.

MATES OUTLOING

MARKET PLACE

MORE, MD 21222-0772

This personal knowledge is based upon: I was contracted by Harry E. Belsinger to complete electrical work at 405 Overbrook Road. The work included: THE INCREASE OF ELECTRICAL SELVICE TO 200 Ambere - 100 Ambere Per EXISTING APARTMENT - 7 marca INSTALLATED - TRANSFER

OLD TATA FLOOR WIRING JA ZUN Floor PANEL SAME 1015 Floor EXTRA OUTLETS TO TWO BY STING KITCHENS The home at 405 Overbrook Road was a two apartment structure.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 1 day of 500

1992, before me, a Notary Public of the State of Maryland. in and for the County aforesald, personally known or satisfactorily identified to me as such afflant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief. AS WITNESS my hand and Notarial Seal

Notary Public

THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE THE FRANCIS SCOTT KEY MEDICAL CENTER

DIVISION OF RENAL MEDICINE DEPARTMENT OF MEDICINE

David A. Spector, M.D., Director, John F. Anderson, M.D. Gary R. Briefel, M.D. Edward S. Kraus, M.D. Jonathan Philipson, M.D. JB Zachani M.D. Defaney Sturgeon, M.D., Feliow



Please address reply to Division of Renal Medicine The Francis Scott Key Medical Center 4940 Eastern Avenue Baltimore, Maryland 21224 Telephone: (301) 550- 0898 If no answer: (301) 550-0100

January 24, 1991

To Whom It May Concern:

Mrs. Mildred Belsinger is under my care as a result of a total renal failure and associated complications. Her condition demands hospital dialysis treatment three times

In considering her illness, failing health, and age of eighty-four years, she should avoid any tiring, physically demanding, stressful situation. I would not recommend her involvement in a court hearing.

> Jonathan D. Philipson, M.D. Nephrologist



A Teaching and Training Affiliate of The Johns Hopkins University School of Medicine and The Johns Hopkins Health System

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Ball timore county is That the information herein given is with the personal knowledge of the affiant and affiant his competent to it estify thereto in the event that a public hearing, is seried in the future with regard thereto;

future with regard thereto; Mrs Marie Montgom ery

407 Overbrook Road

Address

I have personal knowledge that the home located at

405 Overbrook Road has been used as a (address) apartment dwelling

This personal knowledge is based upon: I have lived at 407 Overbrook Road since the homes were built in 1939-40. Eugenia Dawes was the first person to live at 405 Overbrook Road, which is next door to me. Mrs.Dawes rented her home as two apartments from at least 1951. When Mrs. Dawes died, her son, Robert Dawes, rented the home until he sold it to Dorothy Hahn, who was Eugenia Dawes' sister, in 1972. Ms. Katherine Sharpe was one of the last people to rent from the Dawes family about 1970-1972. Then, from 1972, Mrs. Hahn and Mr. Hubbard lived

at 405 Overbrook Road until Mr. Hubbard died.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 29 th day of

199_', before me, a Notary Public of the State of Maryland, In and for the County aforesald, personally known or satisfactorily identified to me as such affiant, and made oath in

due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and bellef. AS WITNESS my hand and Notarial Seal

Franciscomen XXI ./ (\$ 4) ·

Les Such Notary Public

RE: PETITION FOR SPECIAL BEFORE THE ZONING HEARING NE/S Overbrook Road, 150' W of Edmondson Avenue COMMISSIONER OF 405 Overbrook Road BALTIMORE COUNTY 1st Election District

91-212-SPH Harry Edward Belsinger, et al * January 22, 1991 Petitioners * * * * * *

Deposition of MILDRED E. BELSINGER, taken on behalf of the Petitioners, before Sandra A. Slater, a Notary Public in and for the State of Maryland, County of Baltimore, at 1932 Snyder Avenue, Dundalk, Maryland, at

APPEARANCES:

RALPH K. ROTHWELL, JR., Esquire On behalf of Petitioners

* * * * *

ALSO PRESENT:

HARRY EDWARD BELSINGER NANCY BEATRICE BELSINGER

Reported by: Sandra A. Slater, CSR

7:00 p.m., January 22, 1991.

TOWSON REPORTING COMPANY, INC.

The undersigned hereby affirms and hereby

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the

perjury to the Zoning Commissioner of Baltimore County, as

David Flanagan Affiant Southeastern Contracting Company, Inc. 9733 Philadelphia Road

Baltimore, Md. 21237

I have personal knowledge that the home located at

405 Overbrook Road apartment dwelling

future with regard thereto;

This personal knowledge is based upon: Plumbing work that I completed for Harry E. Belsinger at 405 Overbrook Road. This work included the remodeling of the first level apartment bathroom, the installation of a heat circuit and radiator for the first level apartment, the installation of water heater and the repair of toilet

in the second floor apartment.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of Morione 199 /, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

